IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17563 of 2008
NAND KISHORE ISHWAR @ NAND BABA @ NAND KUMAR
Versus
STATE OF BIHAR

2/ 15.5.2008 Heard.

The order dated 23.4.2008 passed in Cr. Misc. No. 53327 of 2007 relates to Jhanjharpur (Bhairba Asthan) P.S. Case No. 36 of 2003 and that is pending before ACJM, Jhanjharpur. There is no CJM there.

Last line of the first paragraph contains a very wrong number of the provision of Cr.P.C. It is corrected and it has to be read accordingly as 438(2) of the Cr.P.C.

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As regards last line of the order regarding the effect of that particular order till submission of charge sheet, the courts have to keep in their mind that fact situations could be considered for re-considering a case for bail coupled with the legally recognized circumstances for cancellation of order. If a man has remained on bail without misusing the privilege and the court has the belief under the same facts and circumstances that there was no harm in allowing him to continue enjoying his liberties, the court could not, as a matter of its own sweet will, cancel the bail bonds. The court may consider the

circumstances enumerated by this court in the case of Dinesh Parbat Vs. State of Bihar reported in 2007 (2) BLJ and act accordingly.

The order is modified in the above terms as also with above directions.

Anil/ **(Dharnidhar Jha, J)**

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